

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

PATRICIA GONZALEZ and JENNIFER  
GONZALEZ, individually and as co-administrators  
of the Estate of KENNY LAZO,

**CV-09-1023 (ST)**

Plaintiffs,

-against-

COUNTY OF SUFFOLK, *et al.*,

Defendants.

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**VERDICT FORM**

Pursuant to Rule 49 of the Federal Rules of Civil Procedure, plaintiffs submit the  
following Proposed Verdict Sheet in connection with the trial of this action.

**LIABILITY AND DAMAGES**

**False Arrest:**

1. Do you find that plaintiffs have proven by a preponderance of the evidence that any  
of the Defendants unlawfully arrested Kenny Lazo, Sr. on April 12, 2008?

JOHN NEWTON YES \_\_\_\_\_ NO \_\_\_\_\_

JAMES SCIMONE YES \_\_\_\_\_ NO \_\_\_\_\_

WILLIAM JUDGE YES \_\_\_\_\_ NO \_\_\_\_\_

CHRISTOPHER TALT YES \_\_\_\_\_ NO \_\_\_\_\_

Regardless of your answer to Question 1, please proceed to Question 2.

Excessive Force:

2. Do you find that plaintiffs have established, by a preponderance of the evidence, that any of the defendants used excessive force in violation of Kenny Lazo Sr.'s federal constitutional rights?

JOHN NEWTON	YES _____	NO _____
JAMES SCIMONE	YES _____	NO _____
WILLIAM JUDGE	YES _____	NO _____

If your answer to Question 2 is "Yes" as to any defendant, you have found a verdict in plaintiffs' favor with respect to their excessive force claims, and you should proceed to Question 3. If the answer to Question 2 is "No" as to each of the defendants, you have found in favor of the defendants on this claim. Please proceed to Question 4

Failure to Intervene:

3. Do you find that plaintiffs have proven by a preponderance of the evidence that any Defendant, although having a realistic opportunity to do so, failed to intervene to prevent another Defendant from violating Kenny Lazo, Sr.'s constitutional rights?

JOHN NEWTON	YES _____	NO _____
JAMES SCIMONE	YES _____	NO _____
WILLIAM JUDGE	YES _____	NO _____

Deliberate Indifference to Provide Medical Care:

4. Do you find that plaintiffs have proven by a preponderance of the evidence that any Defendant was deliberately indifferent in failing to timely provide Kenny Lazo, Sr. with necessary medical treatment on April 12, 2008 in violation of Kenny Lazo, Sr.'s constitutional rights?

JOHN NEWTON	YES _____	NO _____
JAMES SCIMONE	YES _____	NO _____
WILLIAM JUDGE	YES _____	NO _____
CHRISTOPHER TALT	YES _____	NO _____
JOSEPH LINK	YES _____	NO _____

If you have answered “Yes” to Question 1 and/or Question 2 and/or Question 3 and/or Question 4” as to any defendant, please proceed to Question 5.

If you answered “No” as to all defendants in Questions 1, 2, 3, and 4 as to all defendants please proceed to Question 6.

Municipal Liability as to Suffolk County:

5. Do you find that Plaintiffs have proven by a preponderance of the evidence that the conduct of such Defendant(s) resulted from a custom, pattern, policy, or practice of the County of Suffolk?

YES \_\_\_\_\_ NO \_\_\_\_\_

Regardless of your answer to Question 5, please proceed to Question 6.

Wrongful Death:

6. Do you find that Plaintiffs have proven by a preponderance of the evidence that Kenny Lazo was subjected to Wrongful Death by any of the Defendants?

JOHN NEWTON	YES _____	NO _____
JAMES SCIMONE	YES _____	NO _____
WILLIAM JUDGE	YES _____	NO _____
CHRISTOPHER TALT	YES _____	NO _____

JOSEPH LINK YES \_\_\_\_\_ NO \_\_\_\_\_

COUNTY OF SUFFOLK YES \_\_\_\_\_ NO \_\_\_\_\_

Regardless of your answer to Question 6, please proceed to Question 7.

Battery:

7. Do you find that Plaintiffs have proven by a preponderance of the evidence that one or more of the defendants subjected Kenny Lazo, Sr. to a Battery?

JOHN NEWTON YES \_\_\_\_\_ NO \_\_\_\_\_

JAMES SCIMONE YES \_\_\_\_\_ NO \_\_\_\_\_

WILLIAM JUDGE YES \_\_\_\_\_ NO \_\_\_\_\_

CHRISTOPHER TALT YES \_\_\_\_\_ NO \_\_\_\_\_

JOSEPH LINK YES \_\_\_\_\_ NO \_\_\_\_\_

COUNTY OF SUFFOLK YES \_\_\_\_\_ NO \_\_\_\_\_

Regardless of your answer to Question 7, please proceed to Question 8.

Negligence:

8. Do you find that Plaintiffs have established by a preponderance of the evidence that one or more of the defendants were negligent?

JOHN NEWTON YES \_\_\_\_\_ NO \_\_\_\_\_

JAMES SCIMONE YES \_\_\_\_\_ NO \_\_\_\_\_

WILLIAM JUDGE YES \_\_\_\_\_ NO \_\_\_\_\_

CHRISTOPHER TALT YES \_\_\_\_\_ NO \_\_\_\_\_

JOSEPH LINK YES \_\_\_\_\_ NO \_\_\_\_\_

COUNTY OF SUFFOLK YES \_\_\_\_\_ NO \_\_\_\_\_

If you have answered “Yes” as to any defendant in Questions 1, 2, 3, 4, 5, 6, 7 or 8, please Proceed to Question 9. If you have answered “No” as to every defendant in Questions 1, 2, 3, 4, 5, 6, 7 or 8, you have found a verdict in the defendants’ favor on all claims. Please proceed to the end of the Verdict Form and have the foreperson sign it.

Compensatory Damages:

9. What amount of damages have plaintiffs established that Kenny Lazo, Sr. sustained as a result of one or more of the defendants having unlawfully arrested and/or having used excessive force and/or failing to intervene and/or being deliberately indifferent in failing to timely provided necessary medical treatment, and/or battering, and/or being negligent as to Kenny Lazo, Sr. on April 12, 2008 during the course of Mr. Lazo’s arrest, transport and detention?

\$\_\_\_\_\_ physical injuries

\$\_\_\_\_\_ conscious pain and suffering

\$\_\_\_\_\_ mental suffering, emotional distress and psychological injury damages

\$\_\_\_\_\_ loss of enjoyment of life

\$\_\_\_\_\_ loss of earnings

\$\_\_\_\_\_ funeral and burial expenses

If you have answered “Yes” to any of the Questions 1, 2, 3, 4, 5, 7 or 8, please proceed to Question 10. If you have answered “No” as to all Defendants to all the Questions 1, 2, 3, 4, 5, 7 and 8, you have found a verdict in the defendants’ favor on all claims. Please proceed to the end of the Verdict Form and have the foreperson sign it.

Punitive Damages Against State Actors:

10. In addition to any compensatory damages you have awarded plaintiffs, do you find that one or more of the defendants should pay punitive damages? If so, please state the amount.

JOHN NEWTON YES \_\_\_\_\_ NO \_\_\_\_\_ \$ \_\_\_\_\_

JAMES SCIMONE YES \_\_\_\_\_ NO \_\_\_\_\_ \$ \_\_\_\_\_

WILLIAM JUDGE YES \_\_\_\_\_ NO \_\_\_\_\_ \$ \_\_\_\_\_

CHRISTOPHER TALT YES \_\_\_\_\_ NO \_\_\_\_\_ \$ \_\_\_\_\_

JOSEPH LINK YES \_\_\_\_\_ NO \_\_\_\_\_ \$ \_\_\_\_\_

You have completed your deliberations. The Foreperson should date and sign below. Then you should advise the Court that you have completed your deliberations.

Dated: Central Islip, New York  
August \_\_, 2023

Signed: \_\_\_\_\_  
Foreperson